REMARKS / ARGUMENTS

Claims 1 – 15 are pending in the application.

With regard to the objection to the drawing, the reference numeral "38" has been listed in the specification, on page 10.

With regard to the inclusion of the "in-situ" language into the specification, it is respectfully submitted that such language is already included at the top of page 3 of the specification.

With regard to the claims, claims 1 and 14 have been amended to emphasize even more clearly that the combination probe, transceiver and power source is a single unit, and that the combination controller and transceiver is a second single unit. In addition, applicants appreciate the Examiner's helpful suggestions, and claims 2 and 6 have been amended to address such comments.

With regard to the objection to claim 14, and in particular the phrases "the one hand" and "the other hand", such objection is not understood. The applicants respectfully submit that they are not reciting structure, but rather the objected to language relates to standard phrases that mean "from one point of view" and "from the opposed point of view" (see the attached excerpt from Webster's New World Dictionary).

The independent claims 1 and 14 of the present application require, among other features, a) a single, separate unit in the form of a portable, non-implanted, intravaginally containable combination probe, transceiver and power source 21, 34 (for support, see, for example, page 8, lines 14 and 15), which is provided with 2-way wireless communication means for transmitting information that is transduced and for

receiving control and programming signals, and b) a single, separate unit in the form of a combination controller and transceiver 22 that is provided with wireless means for sending signals to the probe and for receiving signals therefrom, wherein a wireless signal feedback loop is provided between the controller and the probe. Thus, the system of the present application provides for two separate units, namely a single combination probe, transceiver and power source 21 34, and a separate combination controller and transceiver 22 (see also page 5 of the specification of the instant application, lines 9 – 11).

The Examiner has rejected claims 1 – 4 and 6 – 15 as being anticipated by Eini. However, applicants respectfully submit that such a rejection is not appropriate. For example, whereas the system of the present application requires a single, intravaginally containable combination probe, transceiver and power source 21 34, such is not the case with the Eini device. In particular, although the body 12 of Eini can be positioned intravaginally, this is not a combination probe, transceiver and power source as required by applicants' claims 1 and 14. As recognized by the Examiner, Eini is provided with a transceiver or communication means 26/28. However, these means are on an entirely separate component, namely on the power and control unit 20, which is "positioned outside of the intravaginal cavity" (see column 3, lines 32 – 34) with the power (source) and control unit 20 being connected to the body 12 by receiving the connectors 18 thereof in receptacles 22 of the unit 20. Thus, Eini clearly does not teach or suggest a combination probe, transceiver and power source as a single unit that is intravaginally containable. Furthermore, by having the separate unit 52, Eini now clearly provides for a 3-unit system, in distinct contrast to applicant's two separate units. This is further

emphasized in Eini in claim 14 thereof, which provides for a body, a power and control unit detachably attached to the body, and a monitoring unit. Thus, pursuant to MPEP Section 2131, Eini clearly cannot anticipate applicants' claims 1 and 14, since this reference does not "teach every element of the claim". As discussed above, Eini also cannot suggest applicants' 2-unit system, namely a single, intravaginally containable combination probe, transceiver and power source, together with a separate combination controller and transceiver.

Applicants would furthermore like to point out that the Eini device actually teaches away from the system of the present application. In particular, the Eini device has a flexible body having shape memory, so that it can conform to the anatomy of a user. Eini, in column 2, lines 41 – 50, criticizes devices having a rigid, non-yielding construction, to which the system of the present application belongs. In particular, Eini indicates that the rigid construction of such devices interferes with the physiological movement of the exercising vaginal muscle. Thus, it is respectfully submitted that the Eini device teaches away from applicants' system, which in order to provide a sealed unit must be rigid. Eini's flexible body cannot be sealed, which explains why they must position their power and control unit 20 outside of the intravaginal cavity.

The Examiner has also rejected claims 1, 2, 4 – 6, 11, 12, 14 and 15 as being anticipated by Frohn. Applicants respectfully submit that for the following reasons, such a rejection is also not justified.

To begin with, the Frohn device is not intravaginally containable, but rather is required to be introduced into the uterus, where it is intended for monitoring periods of ovulation. Furthermore, it is respectfully submitted that the Frohn device also does not

meet the "non-implanted" requirement of applicants' claims 1 and 14, since the Frohn device must be anchored in the uterus, since otherwise the device would move about and could not measure body temperature over long periods of time, which is the object of the Frohn invention. In particular, in column 2, starting at line 24, it is indicated that the device is implanted in the uterus by means of one or more elongated holding members, which extend from the housing and are adapted to be anchored in an ovaduct (see Fig. 1). As furthermore indicated in column 3, lines 23 and 24, the support members 12 anchor the housing 11 inside the uterus. The holding members 12 are further defined in column 4, and are an integral part of all of the claims of the Frohn patent.

It is furthermore respectfully submitted that Frohn does not provide means for "receiving control and programming signals", as required by applicants' claims. As indicated in column 4, starting with line 21, electromagnets 26 are activated by a signal from the means 19 in order to cause movement or retraction of the holding members 12, thus allowing removal of the unit from the uterus. Thus, Frohn cannot teach or suggest a wireless communication means for receiving control and programming signals, as required by applicants' claims, and is therefore not an appropriate reference.

Although applicants believe that claims 1 and 14 are clearly distinguishable over the cited references, should the Examiner desire any further amendments to the claims, the undersigned respectfully requests a telephone interview to discuss any outstanding issues. For example, in claims 1 and 14 the communication means for receiving control and programming signals could be amended to indicate that the control and programming signals are "for the probe".

With regard to the prior art not relied upon, the following comments are offered. With respect to the Guice patent, this reference provides for an "implantable" element for monitoring the health and status of livestock.

The Kobozev reference appears to provide a device that is mobile within a person's GI tract. The Kobozev stimulator does not teach or suggest the features of applicants' independent claims.

Applicants have attempted to be fully responsive to the outstanding Office Action. However, should the Examiner have any further comments of suggestions, the undersigned would very much welcome a telephone call from him in order to be able to resolve any outstanding issues and expedite placement of the application into condition for allowance.

Respectfully Submitted,

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